



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,096	03/12/2004	Clark Becker	3073	7625
7590 Beck & Tysver, P.L.L.C. Suite 100 2900 Thomas Avenue S. Minneapolis, MN 55416			EXAMINER LE, UYEN CHAU.N	
			ART UNIT 2876	PAPER NUMBER
			MAIL DATE 07/26/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/799,096	BECKER, CLARK	
Examiner	<b>Art Unit</b>		
Uyen-Chau N. Le	2876		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 23 April 2007.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 18-24 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 18-24 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_\_.  
\_\_\_\_\_

## **DETAILED ACTION**

### ***Prelim. Amdt/Amendment***

1. Receipt is acknowledged of the Amendment filed 04/23/2007.

In view of the Applicant's arguments with respect to claims 18-24 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Atsmon et al (US 6607136 B1). This Office Action is therefore made Non-Final.

### ***Claim Objections***

2. Claim 24 is objected to because of the following informalities:

Re claim 24, line 23: Substitute "j)" with -- i) --.

Re claim 24, line 25: Substitute "k)" with -- j) --.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. Claims 20 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 20, lines 2-3: "said database stores loyalty point data in association with the user identifier" lacks antecedent basis.

Re claim 21, lines 2-4: “said database stores information regarding a user's triggers for presenting alerts to the user in association with the user identifier” lacks antecedent basis.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 18-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Atsmon et al (US 6607136 B1).

Re claim 18: Atsmon et al discloses a system for customer-specific communication between a customer and a retail establishment, comprising:

a) in a retail store, a reader device for reading a user-identifier (i.e., digital ID) presented by a user in a physical embodiment 10 (col. 12, lines 46+ and col. 30, lines 50-67);

b) database 211e coupled to the reader device, the database 211e storing records, in association with a user identifier (i.e., user's account), containing the following data to the extent provided by the user: name, address, credit card number, digital wallet data, preferred portal and login data for portal (fig. 2; col. 59, line 59 through col. 60, line 4);

c) means for accessing the database to open a connection to the user's digital wallet to facilitate payment via the digital wallet account upon presentment of the physical embodiment of the user identifier to the reader device (fig. 29; col. 69, line 1 through col. 70, line 49);

d) means for accessing user information stored in the database and using such information for signing the user up for support services, upon presentment of the physical embodiment of the user identifier to the reader device (fig. 46; col. 45, line 37 through col. 46, line 19);

e) a client computer 451 serves as a kiosk in the retail store for displaying the internet for the user to view and use (col. 53, line 67 through col. 54, line 17 and fig. 45; col. 91, line 29 through col. 93, line 17);

f) means, coupled to the kiosk, for accessing the user's preferred portal and login data from the database and for logging the user into the preferred portal, upon presentment of the physical embodiment of the user identifier to the reader device (col. 9, lines 1-12; col. 16, lines 25+; col. 91, line 49 through col. 93, line 17 and col. 101, lines 10-21).

Re claim 19: Atsmon et al discloses a system for customer-specific communication between a customer and a retail establishment, comprising:

a) in a retail store, a reader device for reading a user identifier presented in a physical embodiment by a user (col. 12, lines 46+ and col. 30, lines 50-67);

- b) a database coupled to the reader, the database storing, in association with the user identifier, records storing loyalty point data (fig. 47; col. 100, line 56 through col. 101, line 59);
- c) in a retail store, a client computer 451 serves a kiosk coupled to the database and coupled to the internet, for displaying internet content (col. 53, line 67 through col. 54, line 17 and fig. 45; col. 91, line 29 through col. 93, line 17);
- d) means for allowing user to acquire loyalty points by interacting with specified content via use of the internet at the kiosk (col. 98, lines 48+).

Re claim 20: wherein the database stores loyalty point data in association with the user identifier and wherein the system further comprises:

- g) means for allowing user to acquire loyalty points by interacting with specified content (e.g., advertisement) via use of the internet at the kiosk (col. 98, lines 48+ and col. 101, lines 5-37).

Re claim 21: wherein the database stores information regarding a user's triggers for presenting alerts to the user in association with the user identifier, further comprising:

- g) means for triggering alerts to the user when the user presents the physical embodiment of their user identifier (fig. 28; col. 18, line 28 through col. 20, line 31).

Re claim 22: wherein the means for accessing and using user information for signing the user up for support services includes means to set up an e-wallet upon presentment of the physical embodiment of the user identifier, populating data fields using stored identifying information (fig. 29; col. 66, line 56 through col. 68, line 51).

Re claim 23: wherein the means for accessing and using user information for signing the user up for support services includes means for setting up an email account upon presentment of

the physical embodiment of a user identifier, using stored identifying information (col. 19, lines 1-12).

Re claim 24: Atsmon et al discloses a system for customer-specific communication between a customer and a retail establishment, comprising:

- a) in a retail store, a reader device for reading a user-identifier presented by a user in a physical embodiment (col. 12, lines 46+ and col. 30, lines 50-67);
- b) database coupled to the reader device, the database storing records, in association with a user identifier, containing the following data to the extent provided by the user: name, address, credit card number, digital wallet data, preferred portal and login data for portal, loyalty points, trigger alerts (figs. 2 & 4; col. 59, line 59 through col. 60, line 4; col. 100, line 56 through col. 101, line 59);
- c) means for accessing the database to open a connection to the user's digital wallet to facilitate payment via the digital wallet account upon presentment of the physical embodiment of the user identifier to the reader device (fig. 29; col. 69, line 1 through col. 70, line 49);
- d) means for accessing user information stored in the database and using such information for signing the user up for support services, upon presentment of the physical embodiment of the user identifier to the reader device (fig. 46; col. 45, line 37 through col. 46, line 19);
- e) kiosk in the retail store for displaying the internet for the user to view and use (col. 53, line 67 through col. 54, line 17 and fig. 45; col. 91, line 29 through col. 93, line 17);
- f) means, coupled to the kiosk, for accessing the user's preferred portal and login data from the database, upon presentment of the physical embodiment of the user identifier to the

reader device (col. 9, lines 1-12; col. 16, lines 25+; col. 91, line 49 through col. 93, line 17 and col. 101, lines 10-21);

- g) means for allowing user to acquire loyalty points by interacting with specified content via us of the internet at a kiosk (col. 98, lines 48+ and col. 101, lines 5-37);
- h) means for triggering alerts to the user when the user presents the physical embodiment of their user identifier (fig. 28; col. 18, line 28 through col. 20, line 31);
- i) means to set up wireless services upon presentment of the physical embodiment of the user identifier, using data stored in database (col. 101, lines 10-21);
- j) means for setting up an email account upon presentment of the physical embodiment of the user identifier, using stored identifying information (col. 19, lines 1-12).

#### *Response to Arguments*

6. Applicant's arguments with respect to claims 18-24 have been considered but are moot in view of the new ground(s) of rejection.

#### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen-Chau N. Le whose telephone number is 571-272-2397. The examiner can normally be reached on M-F 7:00AM-3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Uyen-Chau N. Le  
Primary Examiner  
Art Unit 2876

July 20, 2007